



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Division (1145)  
CEPOA-RD-NF  
3437 Airport Way, Suite 206  
Fairbanks, Alaska 99709-4777

**PUBLIC NOTICE DATE:** March 19, 2007

**EXPIRATION DATE:** April 17, 2007

**REFERENCE NUMBER:** POA-2000-245-4

**WATERWAY:** Unnamed Slough

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Fischer Properties, 937 Harvard Avenue East, Seattle, Washington 98102

AGENT: Brian Miller, RCH Surveys, LTD., 326 Driveway Street, Suite 102, Fairbanks, Alaska 99701, (907) 451-7411

LOCATION: 64.7881°N, -147.2829°W. Tax Lot 3501, section 35, T. 1 S., R. 2 E., Fairbanks Meridian, near North Pole, Alaska.

PURPOSE: Develop an 86-lot residential subdivision and associated infrastructure.

WORK: Discharge approximately 81,285 cubic yards (cy) of fill into 25.1 acres of waters of the United States, wetlands. Work would be performed according to the attached plans (sheets 1-5, dated March 16, 2007).

ADDITIONAL INFORMATION: The project would subdivide Tax Lot 3501 into 85 residential lots varying in size from 0.94 to 5.04 acres. The 86th parcel is identified as Tract A in the attached plans, and there are no plans to develop this parcel at this time. Approximately 15.4 acres of wetlands would be impacted by the discharge of 42,550 cy of fill for the development of house pads, septic systems, and driveways on 71 lots. An additional 9,720 cy of fill would be placed in 3.2 acres of wetlands for driveways on lots that would otherwise be developed in uplands. Construction of subdivision roads would require the discharge of 29,020 cy of fill into 6.45 acres of wetlands.

MITIGATION: The applicant would minimize impacts to wetlands to the maximum extent practicable on lots containing both wetlands and uplands. Additionally, the applicant has proposed to establish a 50-foot wide "greenbelt" that would be centered on the unnamed slough that crosses the property.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRs constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: No threatened or endangered species are known to use the project area. Preliminarily, the described activity will not affect threatened or endangered species, or modify their designated critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: None.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced

against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact **Sharon Seim at (907) 474-2166 or by email at Sharon.G.Seim@poa02.usace.army.mil** if further information is desired concerning this notice.

**AUTHORITY:** This permit will be issued or denied under the following authorities:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

District Engineer  
U.S. Army, Corps of Engineers

Attachments

# STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

**DIVISION OF WATER**

401 Certification Program

Non-Point Source Water Pollution Control Program

**NOTICE OF APPLICATION  
FOR  
STATE WATER QUALITY CERTIFICATION**

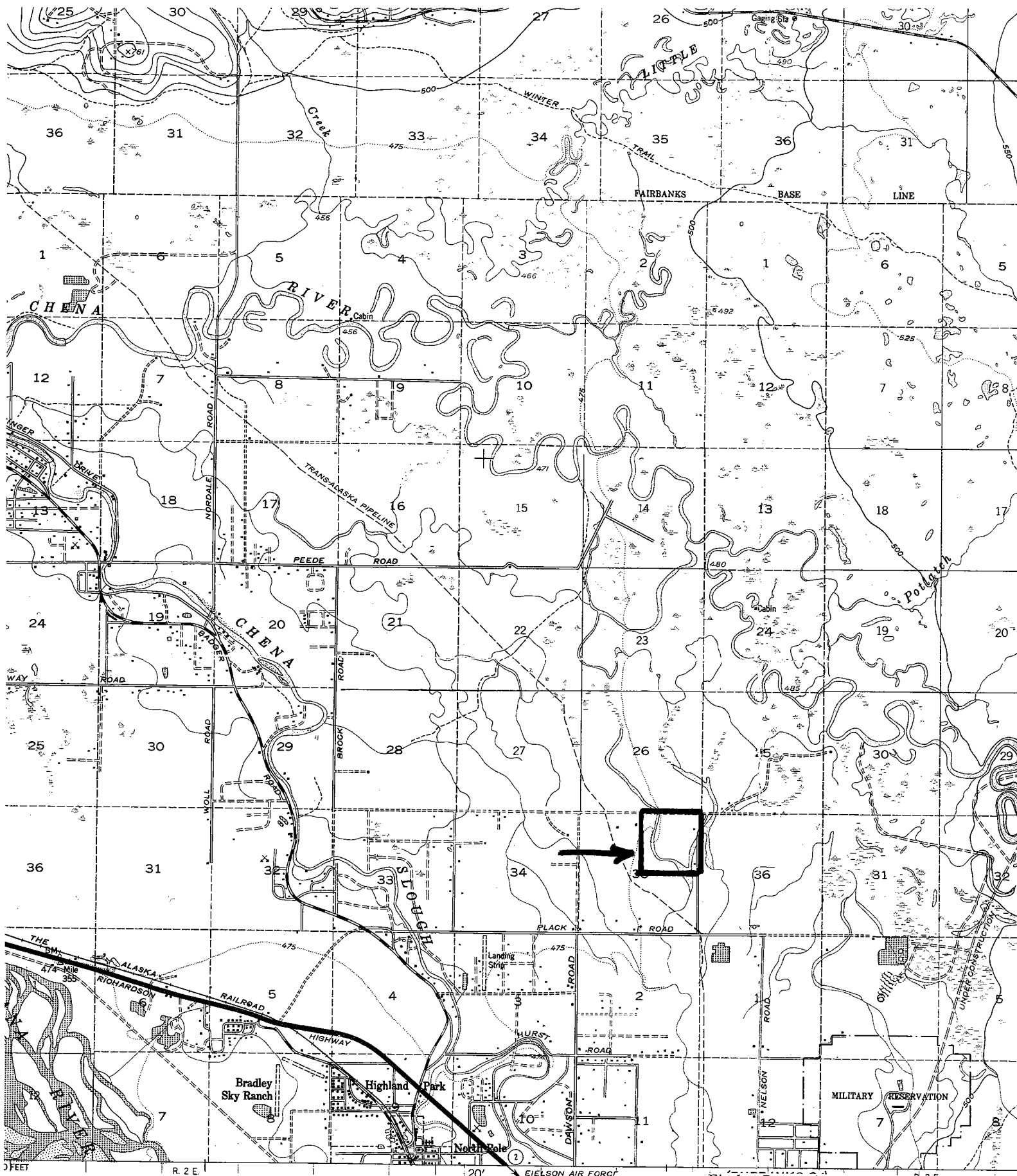
Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No POA-2000-245-4, Unnamed Slough, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

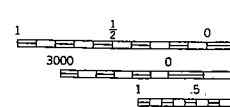
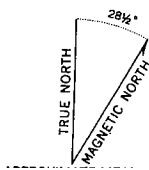
After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508

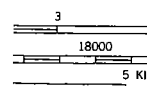


ublished by the Geological Survey  
 &GS  
 tric methods from aerial photographs  
 ecked  
 or projection, 1927 North American datum  
 alaska coordinate system, zone 3  
 erse Mercator grid ticks,  
 resent unsurveyed and

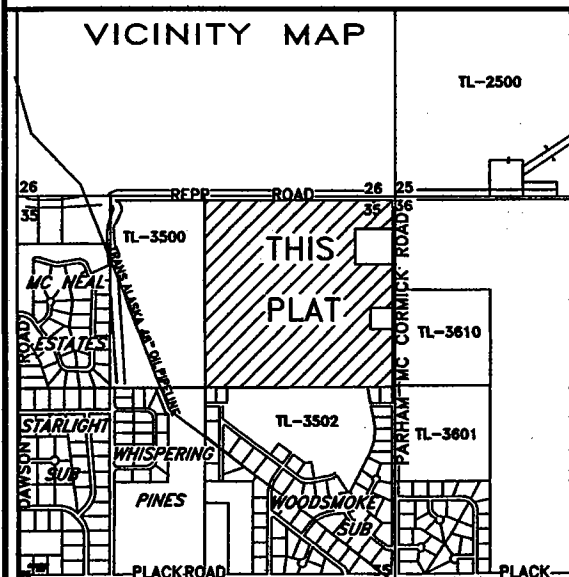
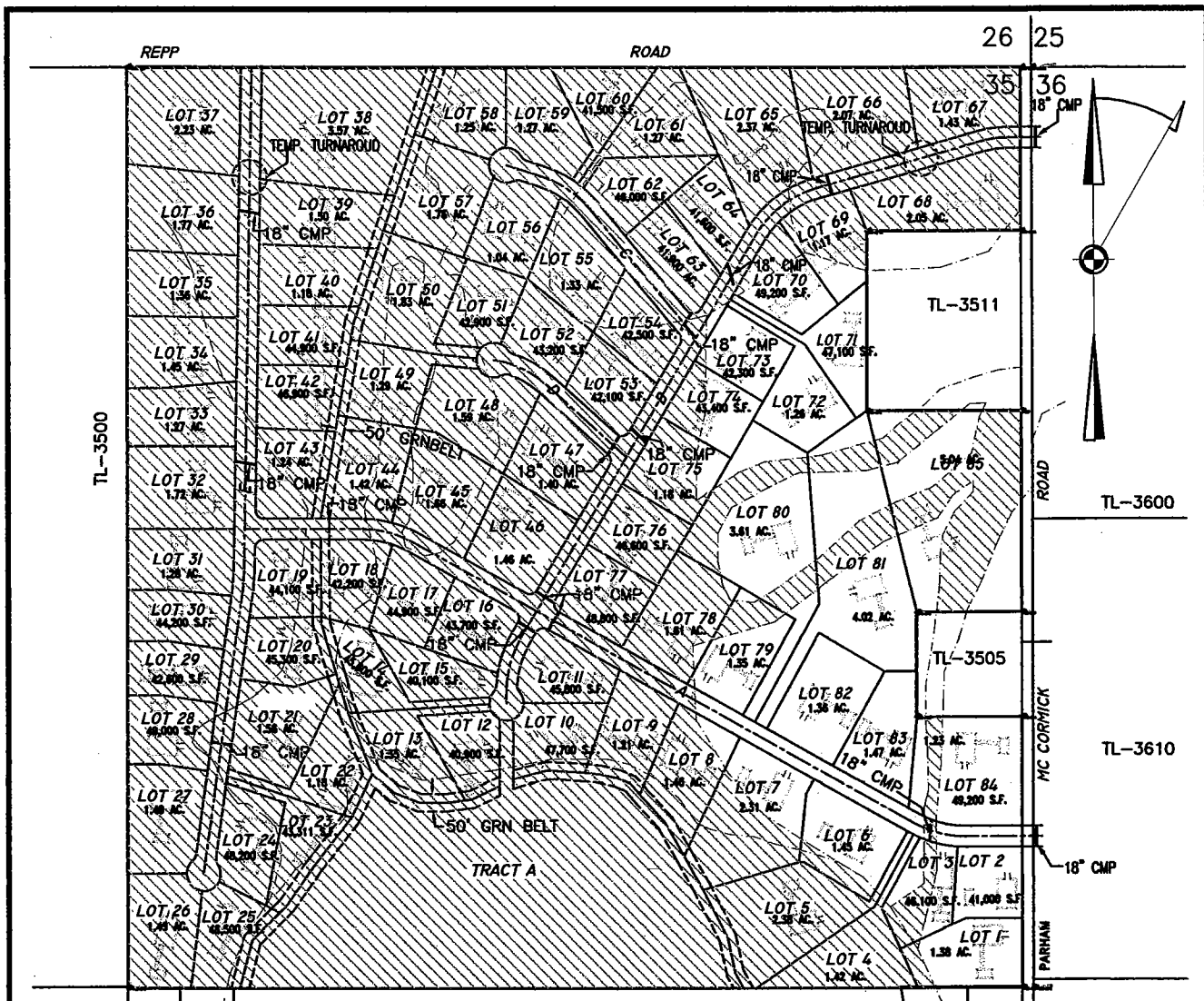


Fischer Properties  
 POA-2000-245-4, Unnamed Slough  
 Plans prepared: Mar. 16, 2007, by S. Seim

**Project Location**  
 1" = 1 mile



CONTOUR INTERVAL 50 FEET  
 SUPPLEMENTARY CONTOUR INTERVAL 25-FOOT CONTOURS



#### SUBDIVISION ACREAGE

TOTAL = 150 ACRES  
WETLANDS = 125 ACRES  
TOTAL ROAD LENGTH = 8440'

#### WETLANDS IMPACTED

BY ROAD = 6.45 ACRES -- SEE SHEET 3  
BY LOT = (71 LOTS) X (0.217 AC./LOT) = 15.4 AC.  
BY DRIVE = 3.2 AC.  
TOTAL = 25.05 AC. (16.7%)

#### WETLANDS DELINEATION SOURCE:

WETLANDS BOUNDARIES,  
FAIRBANKS NORTH STAR BOROUGH  
ALASKA DISTRICT CORPS OF ENGINEERS

Wetland  
 CMP

SCALE: 1"=500'



0 100 200 300 400 500

Fischer Properties

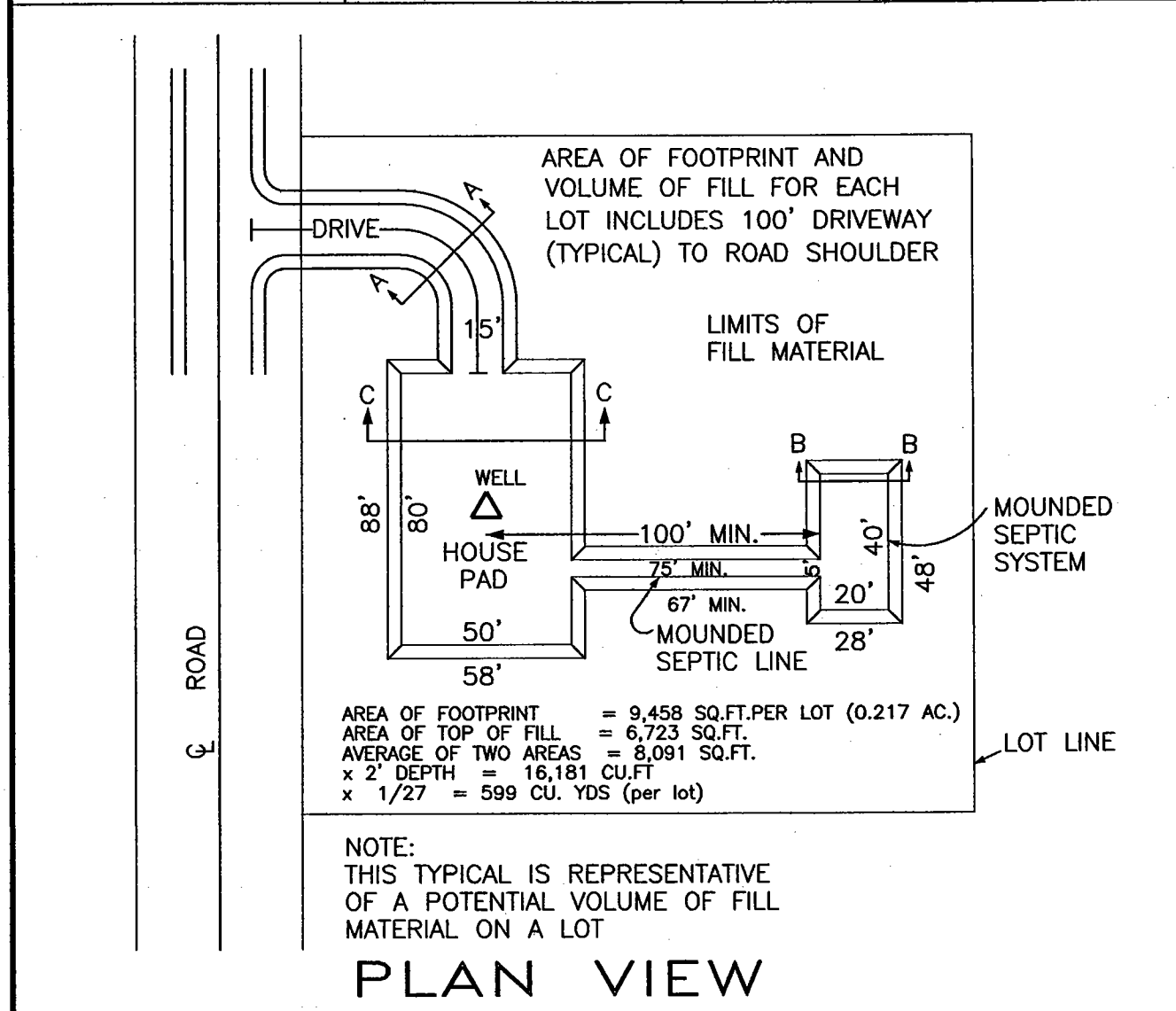
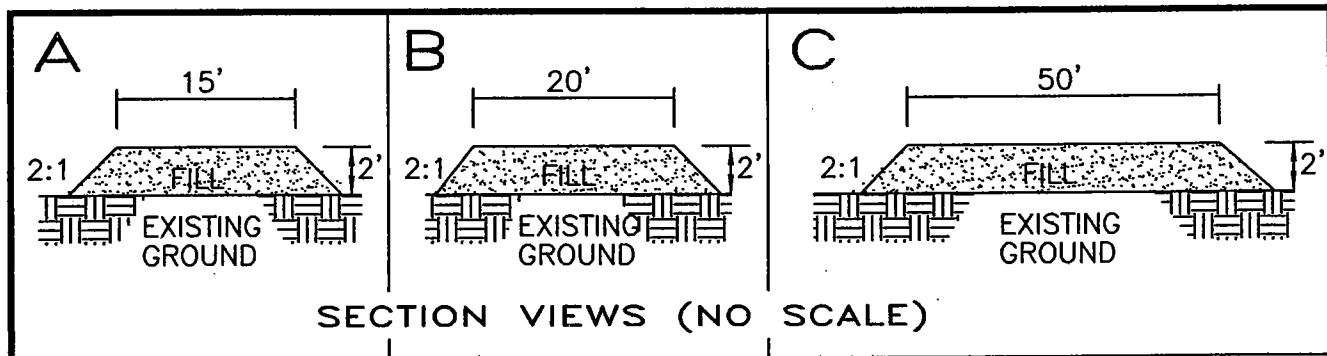
POA-2000-245-4, Unnamed Slough  
Plans prepared: Mar. 16, 2007, by S. Seim

#### Project Plan & Vicinity

1" = 500 feet & 1" = 1/4 mile Page 2 of 5

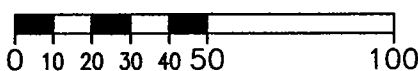
FNSB BASEMAP SCALE: 1"=1/2 mile  
NE1/4 SEC. 35 T.1S., R.2E., FM. AK.

DRAWN: BAM 3-13-07



RCH SURVEYS LTD  
326 DRIVEWAY ST.  
FAIRBANKS, ALASKA  
99709  
(907) 451-7411

**TYPICAL LOT**  
**FILL FOR RESIDENCE**  
**SCALE: 1"=50'**

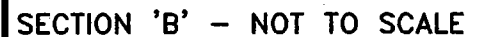


**POLAR STAR  
SUBDIVISION**

Fischer Properties  
POA-2000-245-4, Unnamed Slough  
Plans prepared: Mar. 16, 2007, by S. Seim

**Typical Lot & Sections**  
1" = 50 ft. & NTS

Page 3 of 5

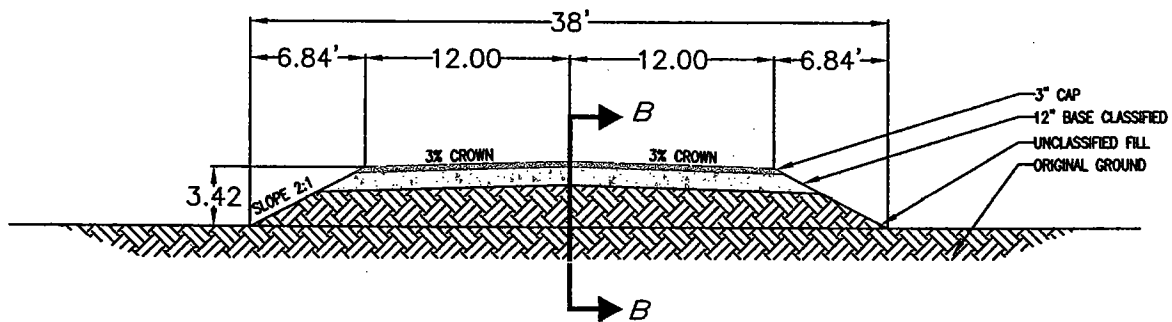


ROADWAY WIDTH = 38'  
ROADWAY TOP OF FILL = 24'  
AVG OF 2 AREAS =  $(38+24)/2 = 31$  SFT  
X3.42' DEPTH = 106 CU. FT  
1/27 = 3.92 CU. YDS PER LIN. FT.  
X7390' = 29,018 CU. YDS FILL

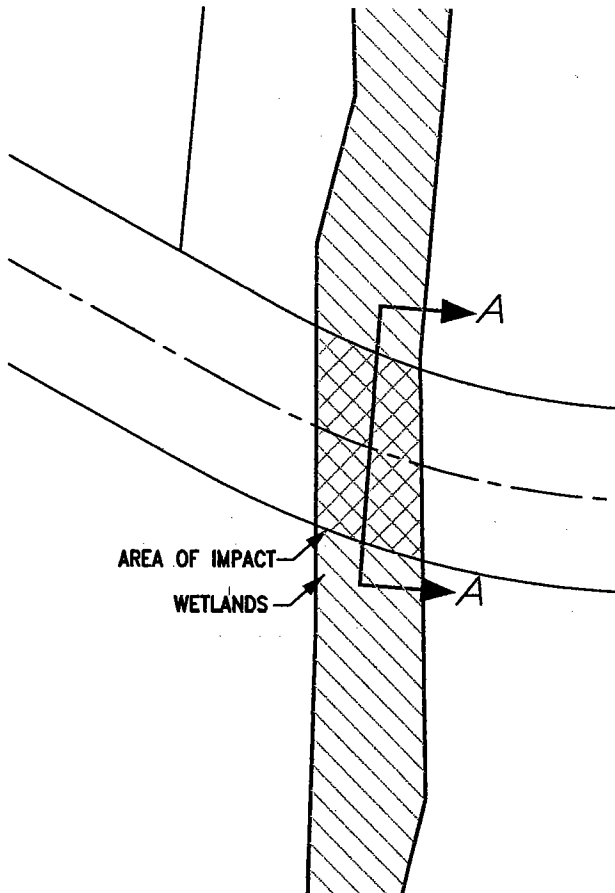
ROADWAY WIDTH = 38'  
LENGTH IMPACTING WETLANDS = 7390'  
AREA IMPACTING WETLANDS = (38' X 7390') / 43560 SFT/AC. = 6.45 AC.

Page 4 of 5

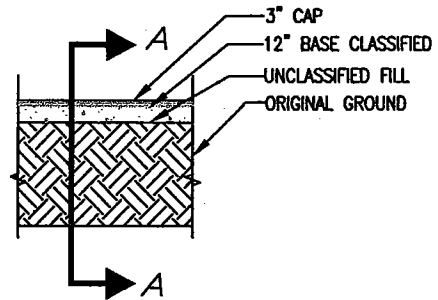




SECTION 'A' - NOT TO SCALE



TYPICAL PLAN VIEW - NOT TO SCALE



SECTION 'B' - NOT TO SCALE

#### ROAD VOLUME

ROADWAY WIDTH = 38'  
 ROADWAY TOP OF FILL = 24'  
 AVG OF 2 AREAS =  $(38+24)/2 = 31$  SFT  
 $\times 3.42'$  DEPTH = 106 CU. FT  
 $1/27 = 3.92$  CU. YDS PER LIN. FT.  
 $\times 7390' = 29,018$  CU. YDS FILL

#### ROAD AREA

ROADWAY WIDTH = 38'  
 LENGTH IMPACTING WETLANDS = 7390'  
 AREA IMPACTING WETLANDS =  $(38' \times 7390') / 43560 \text{ SFT/AC.} = 6.45 \text{ AC.}$

RCH SURVEYS LTD  
 326 DRIVEWAY ST. STE 102  
 FAIRBANKS, ALASKA  
 99709  
 (907) 451-7411

TYPICAL SPAN  
 FOR  
 WETLANDS CROSSINGS  
 WITHOUT CULVERT

SCALE: AS NOTED

POLAR STAR  
 SUBDIVISION

Fischer Properties  
 POA-2000-245-4, Unnamed Slough  
 Plans prepared: Mar. 16, 2007, by S. Seim

Road Sections without Culverts  
 NTS

Page 5 of 5